

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

05-CR-6165L

v.

DALE H. DURLEY,

Defendant.

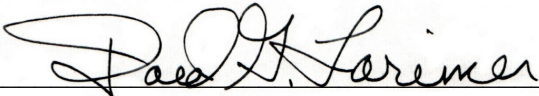
By letter dated October 24, 2007, counsel for defendant Dale Durley, requests a lengthy adjournment of the sentencing, currently scheduled for October 30, 2007. The request is granted but only in part.

Durley pleaded guilty almost two years ago in December 2005. Sentencing was scheduled on October 30, 2007 at defendant's request.

If there are objections to the PSR, I want to resolve them sooner rather than later. Once those objections are resolved, the Court will entertain applications to delay the actual sentence in light of the possible 5K motion. Relative to the 5K motion, though, it was not my understanding that Durley would provide any testimony at trial. Therefore, I am not sure why a 5K could not be made well before the trial. Therefore, I will adjourn sentencing until November 20, 2007 at 2:00 p.m.

Objections to the PSR must be filed ten (10) days prior to sentencing with a response to those objections due five days before sentencing.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
October 26, 2007.